IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 33658 of 2007(F)

PETITIONER:

VODAFONE ESSAR CELLULAR LTD.,
FORMERLY KNOWN AS HUTCHISON ESSAR CELLULAR LTD.,
ASHISH BUILDING, COCHIN-31, REPRESENTED BY
ITS MANAGER LEGAL, RAJESH, MELETH VEETTIL,
AGED 36 YEARS, S/O. RAGHAVAN MELEHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:
---

1. KANJOOR GRAMA PANCHAYATH, REPRESENTED
BY ITS SECRETARY, KANJOOR P.O., ERNAKULAM.

2. SECRETARY,
LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

3. V.K.JOHNY,
VELUTHEPPILLY VEEDU, PARAPPURAM KARA, KANJOOR.

BY GOVT. PLEADER SRI. K.J.MOHAMMED ANZAR
ADV. SRI.DINESH MATHEW J.MURICKEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 33658 OF 2007

Dated this the 20th day of November, 2007

J U D G M E N T

Learned counsel for the 1st respondent Panchayat seeks time for filing counter. Even though the learned counsel very earnestly sought for time, I am of the view that in view of the apparent position that the impugned order, Ext.P4 has been passed without hearing the petitioner. and since the issue is apparently covered by a judgment of the Division Bench of this court in WP(C) No.18242/06, Ext.P4 should be reconsidered by the 1st respondent.

Accordingly, I quash Ext.P4. I direct the 1st respondent Panchayat to take a fresh decision in the matter. Fresh decision, as directed above, will be taken by the 1st respondent after hearing the petitioner and the 3rd respondent, who submitted complaint before the Panchayat. Fresh decision as directed above will be taken at the earliest and at any rate, within one month of receiving a copy of this judgment. Petitioner is informed that the construction and energisation (which according to the learned counsel Mr. P. Sathisan has become fait accompli) will be subject to the fresh decision to be taken by the Panchayat as directed above.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

vps